

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JASON SANTELLAN,)	
)	Civil Action No. 21 – 1151
Plaintiff,)	
)	Magistrate Judge Lisa Pupo Lenihan
v.)	
)	
BILL SHOUPPE, Warden, and ETHEL)	
WHITE, Deputy Warden,)	
)	
Defendants.		

ORDER

AND NOW, this 17th day of September, 2021,

IT IS HEREBY ORDERED that the Court's Order dated August 31, 2021, denying Plaintiff's Motion for Leave to Proceed in forma pauperis (ECF No. 4) is **VACATED**.

IT IS FURTHER ORDERED that the Motion to Proceed *in forma pauperis* (ECF No. 1) is **GRANTED**. The filing fee is \$350.00 and Plaintiff, having been granted leave to prosecute *in forma pauperis*, and pursuant to the Prison Litigation Reform Act, the Superintendent/Warden of the institution where this inmate is incarcerated is directed to remit from the prisoner's account, in monthly installments, the full \$350.00 fee.

IT IS FURTHER ORDERED that as soon as funds are available in the inmate's prison account, the Superintendent/Warden shall submit an initial partial payment of 20 percent of the greater of:

- (1) the average monthly balance in the inmate's prison account for the past six months, or
- (2) the average deposits into the inmate's prison account for the past six months.

The remittance must be accompanied by a statement of the calculations used to arrive at the amount, a copy of which you shall furnish to the inmate. After the initial payment, if there remains any unpaid fee due and owing the Court, the Superintendent/Warden in any institution where the inmate is incarcerated is required by law to set aside and remit on a monthly basis 20 percent of the preceding month's deposits credited to the prisoner's account until the \$350.00 filing fee has been paid in full. Each time a deposit is made to the inmate's account, the Superintendent/Warden shall set aside the deposit immediately before any disbursement is made by the inmate, until an amount equal to 20 percent of the previous month's deposits is obtained. When the 20 percent amount is obtained, and the amount in the account exceeds ten dollars, it shall be transmitted in one monthly payment to the Clerk of Court. Each payment shall be clearly identified by the name and number of the prisoner and the number assigned to this action. Payments must be made payable to "Clerk, U.S. District Court of the Western District of Pennsylvania" and transmitted to:

Clerk of Court
U. S. District Court
Western District of Pennsylvania
700 Grant Street
Suite 3110
Pittsburgh, PA 15219

IT IS FURTHER ORDERED that this Order is binding on the superintendent/warden of any jail or correctional facility where Plaintiff is incarcerated until the filing fee is paid in full in accordance with the provisions of 28 U.S.C. § 1915(b)(1). However, Plaintiff is warned that he is ultimately responsible for payment of the filing fee if his custodian lapses in his/her duty to

make payments on his behalf. For this reason, if Plaintiff is transferred to another jail or correctional institution, Plaintiff should ensure that the new institution is informed about this lawsuit and the required monthly payments as set out herein. Plaintiff is advised to retain a copy of this Order for this purpose.

IT IS FURTHER ORDERED that the Clerk of Court shall enclose with this Order an authorization form which Plaintiff shall complete and return to the Court within **TEN (10) DAYS** of entry of this Order. On this form, Plaintiff shall sign either the section that authorizes monthly payments from his inmate account or the section that moves to withdraw this action without payment of any portion of the filing fee, assuming Plaintiff no longer wishes to proceed with this case.

IT IS FURTHER ORDERED that this action may be dismissed for failure to prosecute if Plaintiff fails to return the authorization form within **TEN (10) DAYS** from the date of this Order.

IT IS FURTHER ORDERED that the Clerk of Court shall mail a copy of this Order to the Inmate Account Officer at Plaintiff's place of confinement if and once Plaintiff has returned his authorization form.

AND IT IS FURTHER ORDERED that the Clerk of Court reopen this case and docket the Complaint and any attachments thereto.

/s/ Lisa Pupo Lenihan
Lisa Pupo Lenihan
United States Magistrate Judge

Cc: Jason Santellan
21-00753
Beaver County Jail
6000 Woodlawn Road
Aliquippa, PA 15001

Inmate Account Officer
Beaver County Jail